

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**RAMON ALEXANDER,**

**Plaintiff,**

**-against-**

**WILFREDO ALMONTE, ET AL.,**

**Defendant.**

USDC SDNY  
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ELECTRONICALLY FILED  
DOC#: \_\_\_\_\_  
DATE FILED: 7/11/2022

**21-cv-11206 (ALC)**

**ORDER**


**ANDREW L. CARTER, JR., United States District Judge:**

On June 27, 2022, the parties notified the Court that they had reached a settlement of this action brought pursuant to the Fair Labor Standards Act (“FLSA”) and New York Labor Law. ECF No. 30. Plaintiff submitted a letter with supporting documentation arguing that the proposed settlement is fair and reasonable and otherwise does not implicate any of the concerns cited by the Second Circuit Court of Appeals in *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). Plaintiff’s counsel has not provided sufficient evidence to establish a “factual basis for the [fee] award,” without which the Court is unable to “determin[e] the reasonableness of proposed attorney’s fees.” *Wolinsky v. Scholastic Inc.*, 900 F. Supp. 2d 332, 336 (S.D.N.Y. 2012). Counsel’s submission does not include contemporaneous records of time spent on this litigation.

In light of this, the Court is not prepared to accept the settlement at this time. The parties are directed to revise the settlement agreement and terms accordingly and resubmit it for reconsideration on or before **August 1, 2022**.

**SO ORDERED.**

**Dated:** July 11, 2022  
New York, New York

  
**ANDREW L. CARTER, JR.**  
United States District Judge